

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
Amendment of Part 97 of the)	RM- 11828 DISMISSAL
Commission's Amateur Radio Service)	March 14, 2019
Rules to Facilitate High-Frequency)	ERRATA
Data Communications)	

To: The Chief, Wireless Telecommunications Bureau
Via: Office of the Secretary

PETITION TO DISMISS RM-11828, ERRATA

Janis Carson, amateur radio service licensee AB2RA since 1959, and ARRL member for over 40 years, pursuant to Section 1.405 of the Commission's Rules (47 C.F.R. §1.405), hereby respectfully requests that the Commission dismiss *Notice of Proposed Rule Making, RM-11828*, at an early date, proposing to modify Part 97 of the Commission's Rules governing the Amateur Radio Service as specified in the following discussion. This errata modifies:

<https://ecfsapi.fcc.gov/file/10314271330556/petition%20to%20dismiss%20RM-11828.pdf>

FCC ID: 10314271330556

This document adds qualifying information that clarifies statements and further explains the basis of the petition to dismiss. I regret the inconvenience caused by the urgency of responding to this situation.

A. Please add the explanatory wording to the following paragraphs/sentences as noted:

6. The Tech license does not cover General Question Pool G2E02(B), G2E03(D), G2E07(A), G2E09(C), G2E10(D), G2E12 (C), G8C06 (B), G8C07 (B), G8C01(B), G1E05(C), G1E11(C), G1E12(A), G1E13(D), which cover essential modern HF digital communications procedures. Without that basic knowledge, interference, improper operation and spectrum sharing, and enforcement problems will result. ARRL in its petition for RM-11828 explicitly dismisses the need for complete revision of the existing Tech Question Pool to include that essential syllabus before granting that access. ALL EXISTING Tech licensees and any new ones should be required to pass a new test before their licenses are re-issued, or their licenses should be immediately revoked until such time as they can demonstrate competency. See APPENDIX for the complete question pool referenced.

PLEASE ADD THIS STATEMENT to this paragraph:

Re-examining existing techs would be a huge project. Getting the existing Question Pool updated to include these topics in time to address this problem would also cause disruptions. The existing FCC license structure provides a simple solution for this difficulty, which the FCC has in the past invoked: Study the General Class licensing material (available from ARRL and Gordon West, for instance), pass a General Class exam (available from ARRL and other Volunteer Examiners), and obtain a General class license. This technique was explained by the FCC in **RM-10867**; Previous 2004 Docket **98-143**.

7. As written by the ARRL, RM-11828 allows an unqualified Technician Licensee to even become a control operator of a Winlink RMS system, essentially an email store and forward repeater, on HF, without any knowledge whatsoever of its basic functions on even a user level. Repeater operation on VHF and UHF uses local propagation. Consequences of incorrect operation on HF are world wide.

PLEASE ADD THIS STATEMENT to this paragraph: The exam questions in paragraph 6 are related to complex wide band automatic digital email store and forward systems currently in use on HF bands. The consequences of improper operation on HF are not local, but world wide. Technician licensees currently have privileges and knowledge relevant to VHF and UHF operation. Permitting control operator privileges on HF for these systems for Technicians should not be granted by RM-11828. If a Technician wishes to become a control operator for these systems, they should demonstrate the qualifications in a General class exam.

It is unfortunate that ARRL failed to parse the email store and forward systems from the possible advantages of Technicians having access to FT8 and other narrow band modes. As written, RM-11828 must be rejected, losing those advantages. ARRL could rewrite RM-11828 and resubmit it, if it wishes to obtain possible gains from conventional peer to peer narrow band digital HF operation for Technicians.

B. Please add the clarifying material below to the following paragraphs/sentences:

6. The only reason Technicians have any HF allocations at all is that when the Novice license was abolished, its HF CW privileges were rolled into the Technician class. The proper disposition at that time would have been to retain the Novice license as non renewable, and let those people upgrade to Tech or General. There would be zero novices now. This discussion of HF privileges for Techs would be irrelevant. RM-11828 only perpetuates these artifacts left behind by the no code licensing changes.

5. In **RM-10867**; Previous 2004 Docket **98-143** proceedings, ARRL specifically excluded wide band data and ACDS operation from its proposal for Tech Enhancement. Now they have changed that policy, specifically seeking to pursue that erroneous path previously rejected. The FCC rejected most of ARRL's other proposals in RM-10867, and it should reject RM-11828 for the same good reasons it rejected it then.

C. Please add the following clarifying material. The quotes below are from:
https://apps.fcc.gov/edocs_public/attachmatch/FCC-06-178A1.pdf

“The Commission reasoned that eliminating telegraphy testing, as we do here today, would make the introductory class license superfluous because new entrants could qualify for a General Class license by passing two examination elements. Thereby, the new entrant would be afforded access to significantly more spectrum than contemplated for the introductory class license.

In the NPRM, the Commission denied several requests that it authorize additional operating privileges, particularly with respect to Technician Class licensees. In denying these requests, the Commission noted that these additional frequency bands and emission types in the MF and HF bands are currently authorized to General Class licensees, and that Novice and Technician Plus Class licensees can earn the requested additional privileges by passing only two or one written examinations, respectively.

Additionally, we are declining ARRL's request that Novice and Technician Class licensees be

given voice and image privileges in certain segments of the 80, 40, 15 and 10 m bands.... However, we are concerned that giving Novice and Technician class licensees voice privileges in the other HF bands would be a disincentive for these licensees to improve their knowledge and skills and attain a higher class license. Passing the thirty-five question written examination for the intermediate class of license --the General Class-- is well within the capability of most, if not all, Technician and Technician Plus licensees, particularly given the study guides and other aids available from, among others, the ARRL. ARRL requests and removing most of the "reward" for passing the examination..

D. IMPORTANT:

The FCC was not "wrong" as asserted in ARRL's RM-11759. The FCC was absolutely right on the division of the 80 meter band, based on the CW/DATA segment's purpose for *narrow band data modes*.

The FCC was not wrong to reinforce its incentive licensing policy by telling people to study the material and take the appropriate test to upgrade either.

Nothing relevant has changed the conditions or reasons that the FCC reached that decision.

Now the ARRL wants to repurpose the HF CW/DATA segments for free HF email using emissions with no band width limits at all, under FCC WT 16-239. The real mistake was to allow free HF email "repeaters" on HF in the first place. The FCC did not make a mistake in the licensing structure. There were too many license classes, and with the abolishment of the CW testing, General is the current HF Entry Class License. Technician class continues to be a specialty class for "makers" who need short range control systems (for a robotics experiment for instance), or local communications for emergency use.

This Report and Order also dismissed the ARRL reconsideration request for phone band reduction on 75 meters. RM-11759 attempts to renegotiate issues that the FCC has considered before:

“In addition, in order to further address concerns of the amateur radio community, we take this opportunity to resolve a petition filed by the American Radio Relay League, Inc. (ARRL) for partial reconsideration of the Report and Order in WT Docket No. 04-140 (the Phone Band Expansion proceeding), which the Commission released on October 10, 2006. Among other actions, the Commission authorized amateur stations to transmit voice communications on additional frequencies in certain amateur service bands, including expanding the 75 meter (m) band, which is authorized only for certain wideband emissions, from 3750-4000 kHz to 3600-4000 kHz, and commensurately reducing the 80 m band, which is authorized only for certain narrowband emissions, from 3500-3750 kHz to 3500-3600 kHz. The ARRL argues that the 75 m band should not have been expanded below 3635 kHz, in order to protect automatically controlled digital stations operating in the 3620-3635 kHz portion of the 80 m band. We conclude that these operations can be protected by providing alternate spectrum in the 3585-3600 kHz frequency segment.”

E. SUMMARY

Given the multiple flaws and the failure to revise the Tech question pool to cover essential topics for HF operation (a new element 2B), this proposal should be immediately dismissed, rejected, without further discussion. Please add and change the petition to incorporate this additional information.

I therefore request SUMMARY DISMISSAL of RM-11828 based on those contradictions and its lack of merit. The evidence of this follows in extracts from the General Question Pool contained in the APPENDIX below. I also recommend you consider to DISMISS WT 16-239, RM-11708, RM-11759 and direct the ARRL to come up with a better comprehensive petition and a new proposal that will work rather than this patchwork of ill devised initiatives. I reserve the right to comment or file reply comments if this proceeds.

Sincerely and respectfully, /S/
Janis Carson, AB2RA, licensed since 1959, ARRL member 40 years